

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

AUTOMOTIVE TECHNOLOGIES	§	
INTERNATIONAL, INC.,	§	
Plaintiff,	§	
	§	
vs.	§	
	§	JURY TRIAL DEMANDED
GENERAL MOTORS CORPORATION	§	
d/b/a CHEVROLET and CADILLAC	§	Case No. 2:08-cv-57
MOTORS, NISSAN NORTH AMERICA,	§	
INC., FORD MOTOR COMPANY d/b/a	§	
LINCOLN and MERCURY, VOLVO CARS	§	
OF NORTH AMERICA, INC., HYUNDAI	§	
MOTOR AMERICA, MERCEDES-BENZ	§	
USA, LLC, and FUJI HEAVY INDUSTRIES	§	
USA, INC.,	§	
	§	
Defendants.	§	

**AGREED MOTION AND STIPULATION TO TRANSFER**

Plaintiff, Automotive Technologies International, Inc. (“ATI”) and Defendants GENERAL MOTORS CORPORATION d/b/a CHEVROLET and CADILLAC MOTORS (“GM”), NISSAN NORTH AMERICA, INC. (“Nissan”), FORD MOTOR COMPANY d/b/a LINCOLN and MERCURY (“Ford”), VOLVO CARS OF NORTH AMERICA, INC. (“Volvo”), HYUNDAI MOTOR AMERICA (“Hyundai”), MERCEDES-BENZ USA, LLC (“Mercedes”), and FUJI HEAVY INDUSTRIES USA, INC. (“FHI”) (herein, collectively, Defendants “Defendants”) file this motion and stipulation to transfer respectfully requesting the Court enter an Order transferring this matter to the United States District Court for the Eastern District of Michigan where a parallel case is proceeding. In support of this Motion, the parties state as follows:

1. On February 11, 2008, ATI filed the above captioned patent infringement action against Defendants.

2. On May 16, 2008, the parties completed briefing on the Defendants' motion to transfer venue to the Eastern District of Michigan where a parallel case is proceeding. On April 20, 2009, the Defendants filed a motion for a hearing or a ruling on the Motion to Transfer. On May 14, 2009, the Court heard argument on the motion.

3. On July 25, 2008, Judge Cleland of the United States District Court for the Eastern District of Michigan, in deciding whether the parallel matter should be litigated in Texas or Michigan, ruled that general considerations of judicial efficiency did not weigh in favor of transferring that parallel case to the Eastern District of Texas. A copy of the Order denying the transfer is attached. Since Judge Cleland's ruling, that case has proceeded and Judge Cleland handed down a detailed 66 page Opinion and Order Construing Claims on September 11, 2009. None of the Defendants in the instant case wishes to have the Michigan Court unnecessarily repeat the Markman process it has already undertaken. Accordingly, all Defendants in the instant case have agreed to have the case initially proceed under the current claim construction Order, and not request that the Michigan Court schedule an exchange of claim terms, Markman briefing, and a Markman hearing to determine the meaning of all of the various claim terms at issue; however, all parties expressly reserve all substantive rights with respect to the claim construction Order, including without limitation the right to (1) appeal the claim construction Order, (2) seek additional claim constructions if ATI asserts new claims against Defendants that are not already addressed by the Order, and (3) seek clarification or modification of portions of the claim construction Order .

4. Plaintiff and Defendants respectfully request that this case be consolidated with the *Automotive Technologies International, Inc. v. Delphi Corporation* case currently pending in the Eastern District of Michigan, Case No. 08-cv-11048, Judge Cleland presiding.

DATED: January 26, 2010

Respectfully submitted,

By: /s/ Edward W. Goldstein

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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s), filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 11, 2010.

/s/ *Edward W. Goldstein*

Edward W Goldstein